

Attached for your reference and use is a Sample Affirmative Action Plan. This sample plan follows the Federal Highway Administration's EEO Special Provisions. It can be used as an outline in preparing a company or project Affirmative Action Plan.

There are several items worthy of note about the Sample Plan:

- A. At several points in the plan, the phrase "SPECIFY TIME PERIOD" appears in parenthesis. You are to insert a time frequency here, such as "at the beginning of the project and then monthly thereafter for the duration of the project."
- B. This plan is oriented towards the contractor who has signed labor agreements. If you have not signed any labor agreements, then you must change the parts of the plan which refer to Unions to reflect your own Company situation.
- C. The Sample Affirmative Action Plan is designed to reflect the minimum affirmative actions necessary to achieve compliance with the law. Any effort the Company makes to go beyond the intent of the Special Provisions will be more in line with the spirit of affirmative action.
- D. Special attention should be made to the contract requirements for minority and women representation for each craft of the contractor's workforce. Please refer to Page 2, Appendix A of the EEO Special Provisions.
- E. In certain places, remarks are given in parenthesis to aid you in interpreting or carrying out the intent of a specific section.
- F. The Plan is designed so that you only have to prepare it once in full, leaving blank

spaces where you can fill in details which apply to a specific project. Thus, the Plan will not have to be retyped in its entirety for each new project.

**G. Once your Affirmative Action Plan has been revised, destroy obsolete copies.**

*Your Affirmative Action Plan must be updated yearly, but needs only to be submitted for approval every three years. It can be submitted to the Project Engineer for approval at the beginning of the first Federal Aid Contract your company has for the year that approval is required, or it can be sent directly to the Civil Rights Office at the beginning of the calendar year in which your Affirmative Action Plan needs to be approved. After your Affirmative Action Plan has been approved, your company will need only to supply the Project Engineer, during the three year approval period, a project specific Affirmative Action Plan for that project.*

AFFIRMATIVE ACTION PROGRAM  
FOR  
EQUAL EMPLOYMENT OPPORTUNITY

***(NOTE: MUST HAVE ORIGINAL SIGNATURES)***

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Company Name

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Project No. & Project Name

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Signature & Title of Company Pres.

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Signature & Title of EEO Officer

## SECTION 1

### GENERAL REQUIREMENTS

- A. (Name of Company), hereinafter referred to as "The Company", will abide by all federal and state laws, rules and regulations concerning equal employment opportunity, including, but not limited to, the following:
1. Executive Order 11246
  2. Executive Order 11375
  3. Required Contract Provisions (Form *FHWA*-1273)
  4. Special Provisions (issued pursuant to Section 140 of Title 23, U.S.C., as established by Section 22 of the Federal-Aid Highway Act of 1968).
- B. The Company will work with the Utah Department of Transportation and the Federal Government in carrying out equal employment opportunity obligations and in their review of the Company's activities under the contract.
- C. All subcontractors holding subcontracts of \$10,000 or more will comply with the minimum specific requirement activities of equal employment opportunity as set forth in the Special Provisions. The Company will include these requirements in every subcontract of \$10,000 or more with such modifications of language as are necessary to make the requirements binding on the subcontractor.

SECTION 2

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

- A. It is the policy of (name of Company) to assure that applicants are employed and that employees are treated during employment, without regard to their race, religion, sex, age, color or national origin. Such action shall include: ***employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training.***

Signed:

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Company EEO Officer

SECTION 3

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

- A. The designated Company EEO Officer for (name of Company) is (name of EEO Officer). He/She has full authority and responsibility to implement all sections of the Company's Affirmative Action Program.
- B. The designated Company DBE Officer for (name of Company) is (name of DBE Officer). He/She has full authority and responsibility to implement all sections of the Company's Affirmative Action Program.

Signed:

SECTION 4

DISSEMINATION OF POLICY

- A. All members of the Company's staff who are authorized to hire, supervise, promote and discharge employees, or who recommend or are substantially involved in such action, will be made fully cognizant of, and will implement, the Company EEO policy and contractual responsibilities.

The following actions will be taken as a minimum:

1. Meetings of supervisory and personnel office employees will be conducted before the start of work and (SPECIFY TIME PERIOD, *not more than six months*), at which time the contractor's equal employment opportunity policy, and the affirmative action required to carry out the policy, will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable Company official.
2. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable Company official covering all major aspects of the Company's EEO obligations within *thirty (30) days* following their reporting for duty with the Company.
3. The EEO Officer or appropriate Company official will instruct all employees engaged in the direct recruitment of employees for the project relative to the methods followed by the Company in locating and hiring minority group and

women employees.

- B. In order to make the contractor's equal employment opportunity policy

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known to all employees, prospective employees and potential sources of employees, i.e. schools, employment agencies, labor unions, minority and women's organizations, college placement officers, etc., the Company will take the following actions:

1. Notices and posters setting forth the Company's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

The following posters will be displayed in the above mentioned areas:

- a. Company EEO Policy
- b. Name, address and phone of Company and/or project EEO officer
- c. Non-discrimination notices to workers organizations
- d. EEO poster "Discrimination is Prohibited" (Bi-Lingual)
- e. Notice concerning encouragement of present employees to refer minority group and women applicants.
- f. OSHA Safety poster required to be posted under the Williams - Steiger Act.
- g. PR-1022 (False Statement Poster)
- h. WH-1321 (Labor Poster)
- I. Minimum wage rates



- j. A copy of the approved Affirmative Action Plan.

The Company or Project EEO Officer will formally inspect the project site for the required notices and posters *at least monthly* while the project is active. The EEO Officer or other

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authorized Company personnel will informally review the bulletin board for applicable posters and notices whenever they are in the vicinity of the bulletin board.

- 2. The Company EEO policy and the affirmative action to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

(REMARKS: Meetings should be held *at the beginning of construction and at least once a month, as long as the project remains active*).

## SECTION 5

### RECRUITMENT

- A. When advertising for employees, the Company will include in all advertisements for employees the notation: "An Equal Opportunity Employer". The Company will insert all such advertisements in newspapers or other publications having a large circulation among minority and women groups in the area from which the project work force would normally be derived.
- B. The Company will conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority

group and women applicants, including, but not limited to, the following:

(Provide a list of organizations in the project area which you plan to contact. These contacts should be result oriented. Organizations that will aid your company in your recruitment efforts are AGC , Job Service,

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newspaper advertisements, and referrals from your present employees. Only list resources which are active and those that will help your company achieve the goals.)

The Company will, through its EEO Officer, contact these sources of potential minority group and women employees and establish with such sources a two-way channel of ongoing communication and a definite referral procedure whereby minority/women applicants may be referred either to the contractor or to the appropriate Union for employment considerations.

Contact with the

above-mentioned sources will be initiated by a personal visit from the Company or project EEO Officer to each of the sources mentioned. The EEO Officer will discuss with each of these sources the conditions of employment with the Company, including requirements for entering Unions, apprenticeship programs or other training programs. The EEO officer will express the earnest desire of the Company to employ qualified minority group members and women in all work classifications. He will explain all the avenues through which minorities and women can obtain employment and training with the company.

Contact with the above-mentioned sources will be continued following the initial visit,

through letters, phone contacts, or follow-up visits, whichever is necessary to maintain a two-way channel of communication with these sources.

- C. The Company will encourage present employees to refer minority group and women applicants for employment by posting appropriate notices or bulletins in areas accessible to all employees. In addition, information and procedures with

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regard to referring minority group and women applicants will be discussed with employees at least (SPECIFY TIME PERIOD - *at least every month*). These discussions will be carried out in the following manner. . . (specify how this will be done, and who will do it).

## SECTION 6

### PERSONNEL ACTIONS

- A. Wages, working conditions, and employees benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, age or national origin. The following procedures shall be followed:

1. The EEO officer will conduct inspections of project sites (SPECIFY TIME PERIOD - *at the beginning of the project and at least every two months thereafter*) to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

2. The EEO officer or other Company Official will evaluate the spread of wages paid within each classification (SPECIFY TIME PERIOD - *at the beginning of the project and at least every two months thereafter*) to determine any evidence of discriminatory wage practices.

Specific attention will be paid to premium wages paid to employees and assignment of overtime. If discrimination is found, the Company will take

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immediate corrective action, including payment of back wages if warranted, or assignment of overtime on a compensatory basis in the future if past assignment of overtime indicates discrimination.

3. The Company EEO officer will review selected personnel actions in depth (SPECIFY TIME PERIOD - *at the beginning of the project and at least every two months thereafter*) to determine whether there is evidence of discrimination. Where evidence is found, the Company will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

4. The Company EEO officer will investigate all complaints of alleged discrimination. The Company will attempt to resolve such complaints, and will take appropriate corrective action. In this connection, the Company shall devise and promulgate to all employees formal procedures for lodging

discrimination complaints within the Company. The complaint procedure will be adopted into the Affirmative Action Plan and will be promulgated to all employees by means of notices on Company bulletin boards and meetings held (specify time frequency - *at the beginning of construction and at least once a month as long as the project remains active*) in accordance with Section 4-b-2 of this program.

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*(Remark:* The Complaint procedure should include a procedure with time limits established at each complaint level. The recommended time frame between each complaint step is three or four days. The Company President should be made aware of the status of all complaints. See attached Exhibit "A", "Sample Complaint Procedure".)

This procedure shall include a full and complete investigation of each complaint by the Company EEO Officer. If the investigation indicates that the discrimination may affect persons other than the complainant, corrective action will be taken and shall include all persons affected, including the complainant. Upon completion of each investigation, every complainant will be informed of all avenues of appeal, e.g., Utah State **Labor** Commission Anti-Discrimination Division, Federal Highway Administration, Utah Department of Transportation Civil Rights Office, etc.

## SECTION 7

## TRAINING AND PROMOTION

- A. The Company will utilize its best efforts to locate, qualify and increase skills of minority group and women employees and applicants for employment. The following actions shall be taken as a minimum:

- 1) LOCATION - The Company EEO Officer will identify potential sources of minority group and women employees and establish a two-way communication and referral procedure with such sources, as covered in Section 5-b of this Affirmative Action Program. In addition, the Company

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will seek qualified minority and women workers by requesting them directly from union hiring halls and apprenticeship programs (see Section 8 of this Affirmative Action Program), and by encouraging present employees to refer minority group and women applicants (see Section 5-c).

- 2) QUALIFYING - The Company will assist minority and women applicants in becoming qualified for entrance into unions *or other training programs* with which the Company has signed labor agreements. Such assistance shall consist of information provided to the applicant regarding training programs in the various crafts and procedures for entering such training programs. In addition, the Company will contact union *or other training program* representatives informing them of each applicant's desires and background and requesting that the union *or other training program* aid the applicant in whatever way possible to become qualified for entrance into apprenticeship or other training

programs.

- 3) INCREASING SKILLS - The Company will employ minority and women trainees and apprentices in a manner consistent with manpower requirements. (Goals for minority and women representation is contained in the contract. Please refer to Page 2, Appendix A of the EEO Special Provisions.). In addition, the Company will contact present minority and women employees and encourage them to enter training programs to increase their skills (See Sections 7-c and 7-d of this program).

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- B. The Company will utilize training programs when consistent with manpower requirements. The training provided shall be on-the-job training aimed at developing full journeymen in the type of trade involved. The number of Trainees/Apprentices shall be distributed among the work classifications on the basis of the Company's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment.  
  
Recognizing that training and upgrading of members of minority groups and women is a primary objective under affirmative action, the Company will make every effort to enroll minority and women Trainees/Apprentices, e.g., through (a) recruitment and (b) contact with apprenticeship programs to request minority and women apprentices (see Sections 5-b and 8 of this program). The Company will make full efforts to attain a **50% combination of minority and women representation among trainees, in**

*accordance with Department of Transportation goals.*

- C. The Company EEO Officer shall be responsible for advising employees and applicants for employment of available training programs and entrance requirements for each.

Present employees will be advised of these programs

(SPECIFY TIME PERIOD - *At the beginning of the project and at least every*

*two months*) by means of company or project meetings for all employees.

In addition, information regarding training programs and entrance requirements will be posted on all company bulletin boards. This information will also be included in employee handbooks and/or handouts with paychecks. Applicants for

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employment will be given information on training programs and entrance requirements as specified in Section 7-a-2 of this program.

- D. The Company EEO Officer or other authorized company official will conduct a thorough review of the training and promotion potential of minority group and women employees (SPECIFY TIME PERIOD - *not to exceed two months*).

Factors to be considered in this review will be as follows:

- 1) The minority or female employees's desire to enter a training program, as expressed by him or her in project interviews, meetings, or by other means.
- 2) Whether the minority or female meets the requirements of entrance into a training program such as educational background, *minimum* age, residence, etc. If the minority or female employee can be helped in any of these areas, the Company will aid him or her by providing information on available programs to upgrade his



or her qualifications so that he or she might meet  
entrance requirements in the training programs.

- 3) The time period during which apprenticeship programs are open to new applicants. ***The Company will request timely and accurate information on apprenticeship opening dates from contractor associations or other sources.*** This information will be disseminated to employees by means of bulletin boards, employee meetings and/or handbooks or handouts with paychecks.

(REMARKS: Go back to Section 4-b-2 and correlate the above procedures with the procedures you have used to meet 4-b-2.)

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## SECTION 8

### UNIONS

***(If your Company is non-Union, please make a statement stating such, i.e. Our company is non-union. The remainder of this section can then be deleted (Section 8).***

The Company, through its EEO Officer and other Company officials, will establish personal contact with representatives of all unions with which the Company has signed labor agreements. These contacts will be made at least (SPECIFY TIME PERIOD).

The purpose of these contacts will be as follows:

- A. To develop joint training programs aimed towards qualifying minority group members and women for membership in the unions and increasing the skills of minority group and women employees so that they may qualify for higher paying employment. If such

training programs have already been developed, the Company will nevertheless encourage the unions to continue efforts to qualify and upgrade minorities and women.

- B. To incorporate an equal employment opportunity clause into all union agreements to the end that such unions will be contractually bound to refer applicants without regard to their race, color, religion, sex, age or national origin.
- C. To emphasize the fact that if a union cannot refer applicants as requested by the Company within the time limit set forth in the union agreement, the Company will recruit on its own in accordance with recruitment procedures outlined in Section 5-b of this program. Under these procedures, the vacancy or vacancies will be

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filled without regard to race, color religion, sex, age or national origin, and full efforts will be made to obtain qualified minorities and women.

- D. To emphasize that the Company will be requesting dispatches of minorities and women from unions to meet the goals and timetables established by the Company. The unions will be asked to cooperate in providing minorities and women when requested by the company.
- E. To ask that the unions furnish information to the Company on minority/female representation in each classification and union efforts to improve such representation where improvement is warranted.
- F. To stress the Company's program of recruitment to place minority and women applicants in the unions, particularly in apprenticeship programs. The unions will be

asked to work closely with these recruitments to help qualify them for entrance when applicants are accepted.

## SECTION 9

### SUBCONTRACTING

- A. The Company will make every effort to utilize ***UDOT certified Disadvantaged Business Enterprise (DBE)*** subcontractors or subcontractors with meaningful minority group and women representation among their employees. A list of ***UDOT certified DBE*** subcontractors will be obtained from the Utah Department of Transportation. The ***DBE*** subcontractors who are qualified to perform the

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work required will be contacted verbally and in writing requesting that they submit bids on the work.

- B. The Company will act in the following way to insure subcontractor compliance with their equal employment opportunity obligations:
- 1) Each subcontractor will be required to prepare and submit to the Company an Affirmative Action Program for Equal Employment Opportunity which commits the subcontractor to specific affirmative actions designed to meet the requirements of each of the EEO Special Provisions. (REMARKS:

This requirement can also be met by having the subcontractor subscribe to the Company affirmative action program).

- 2) The Company will monitor the activities of each subcontractor (SPECIFY TIME PERIOD, *monthly* is recommended) to assure compliance with their EEO obligations. This monitoring activity shall include meetings between the Company EEO officer and representatives of the subcontractors (SPECIFY TIME PERIOD, *prior to signing the subcontract and before the subcontractor begins work, and then monthly thereafter on the project is recommended*) to discuss any difficulties or problems in subcontractors compliance.
- 3) The Company will monitor all reports and records from subcontractors to ensure that complete and accurate information is received on a timely basis.

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## SECTION 10

### RECORDS AND REPORTS

- A. The Company will keep such records as are necessary to determine compliance with contractual EEO obligations. These records will be designed to indicate:
  - 1) The number of minority and non-minority group members, males and females employed in each work classification on the project.
  - 2) The progress and efforts being made in cooperation with unions *or other training programs* to increase minority group and women employment

opportunities.

- 3) The progress and efforts being made in locating, hiring, training, qualifying and upgrading minority group and women employees.
- 4) The progress and efforts being made in securing the services of minority group subcontractors or subcontractors with meaningful minority group and women representation among their employees.

B. All such records will be retained for a period of three (3) years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the Utah

Department of Transportation and the Federal Highway Administration.

C. The Company will submit to the Project Engineer ***at least one copy with original signatures*** of the monthly EEO Report Form PR-1391 (***UDOT revision***) for each month during the life of the contract (each covered subcontractor will submit the reports for the life of the subcontractor's agreement and indicate last month of

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work), indicating the number of minority and non-minority group employees, males and females currently engaged in each work classification required by the contract work.

When no work is performed during the month, it will be indicated on the report as "NO WORK".



## EXHIBIT A

(Name of Contractor)

### COMPLAINT PROCEDURE

Individuals desiring to submit a discrimination complaint are requested to follow the procedure below.

If the employee feels for any reason they do not want to make contact with the person next listed or if that person is not available to register the complaint with, the employee should then feel free to contact the person listed next on the list.

Informal discrimination complaints may be submitted verbally or in writing.

#### Step 1:

Contact your immediate supervisor. If you do not get satisfactory results at this level within a period of two (2) working days or desire to take the complaint further then,

#### Step 2:

Contact the project and/or Company EEO Officer,

(List name of EEO Officer)

(List phone number of EEO Officer)

(List address of EEO Officer)

If you do not get satisfactory results with the company within a period of three (3) working days or desire to take the complaint further, then,

Step 3:

Contact the UDOT Project Engineer or his EEO Representative at,  
(List name of Project Engineer and phone number, information should be current for each particular project.)

OR,

Step 4:

Contact one of the following Agencies:

USDOL  
#10 West Broadway, Suite 307  
Salt Lake City, Utah 84101  
Phone: **(801)** 524-5706

Utah Department of Transportation  
Civil Rights Office  
UDOT/DPS Complex  
4501 South 2700 West  
Box 141520  
Salt Lake City, Utah 84114-1520  
Phone: **(801)** 965-4208

Federal Highway Administration  
2520 West 4700 South  
Suite 9A  
Salt Lake City, Utah 84118  
Phone: **(801)** 963-0182



EXHIBIT B

It is the policy of \_\_\_\_ (COMPANY NAME) \_\_\_\_ to ensure and maintain a working environment free of harassment (including sexual), intimidation, and coercion at all work sites; and in all facilities at which the company's employees are assigned to work.

This company policy will be brought to the attention of all employees working for the contractor by means of meetings at the job site. Documentation with signed rosters shall be maintained validating this contract specification *and one copy submitted to the Project Engineer's office.*

If an individual feels that this policy is not being met, they may follow the complaint procedures outlined in Exhibit A, or as shown in Section 6 of the Affirmative Action Plan.